

**MEDICAL EXAMINING BOARD
REGULAR MEETING
MAY 19, 2004**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Jon Gudeman, Jack Lockhart, Gene Musser, Ian Munro, Bhupinder Saini, and Mary Cook, JD; and Virginia Heinemann

MEMBERS EXCUSED: Drs. Sidney Johnson and Daniel Miota, and Karen Kalishek

STAFF PRESENT: Tom Ryan, Bureau Director; Colleen Baird, DRL Legal Counsel to the Board; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Mark Grapentine, Wisconsin Medical Society

CALL TO ORDER

Chair Alfred Franger called the meeting to order at 8:00 a.m.

APPROVAL OF AGENDA

Amendments:

Stipulation – Edgar K. Oliveira Filho, MD

Stipulation – David A. Onsrud, DO

Petition for Waiver of 7 year Rule – Marie Casey, MD

Three Year Cases

Death Cases

Pending Cases

Model Policy for the Use of Controlled Substances for the Treatment of Pain - FSMB

MOTION: Virginia Heinemann moved, seconded by Jack Lockhart, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 21, 2004

Amendments:

Page 4 – Delete “Case Advisor Ian Munro left the room, abstained from discussion, and did not vote” from the last two motions on the page.

MOTION: Jon Gudeman moved, seconded by Mary Cook, to approve the minutes of April 21, 2004, as amended. Motion carried unanimously.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 37 cases. Thirteen cases were opened, 22 cases were not opened and two cases required more information.

ADMINISTRATIVE REPORT

DRL Staff Changes:

Tom Ryan reported that Sandra Rowe, DOE Division Administrator, has been appointed to fill the Deputy Secretary position that was recently opened when Mary Schlaefter accepted the position of DNR Executive Assistant.

Board Order signatures – consider delegation to Department:

Mr. Ryan presented a proposal to the Board which would allow a designee of the Department to sign Board Orders on behalf of the Board, should the need arise. After discussion the Board approved the proposal.

MOTION: Mary Cook moved, seconded by Jack Lockhart, to approve a designee of the Department to sign Board-approved Orders on the Board's behalf, when a Board member is not available and a signature is required. Motion carried unanimously.

Regulatory Digest:

The Bureau Director asked that any articles for the Regulatory Digest be sent to him. The Department is currently reviewing options for publication.

Reports of Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation:

Noted.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF GRIGORY SOROKIN, MD, OCONOMOWOC, WI

DOE Attorney Michael Berndt presented the proposed stipulation regarding Grigory Sorokin, MD. This will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF RICHARD CLASEN, MD, NEKOOSA, WI

DOE Attorney James Polewski presented the proposed stipulation regarding Richard Clasen, MD. This will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF GHAZWAN KATMEH, MD, GREEN BAY, WI**

DOE Attorney James Polewski presented the proposed stipulation regarding Ghazwan Katmeh, MD. This will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF MARGARET P. COCHRANE, MD, ST. PAUL, MN**

DOE Paralegal Steven Engelbrecht presented the proposed stipulation regarding Margaret P. Cochrane, MD. This will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF EDGAR K. OLIVEIRA FILHO, MD**

DOE Attorney Michael Berndt presented the proposed stipulation regarding Edgar K. Oliveira Filho, MD. This will be deliberated on in closed session.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF DAVID A. ONSRUD, DO**

DOE Attorney Arthur Thexton presented the proposed stipulation regarding David A. Onsrud, DO. This will be deliberated on in closed session.

**REVISED PAIN TREATMENT GUIDELINES – OVERVIEW AND PLAN FOR
REVIEW – DR. SAINI**

Dr. Saini led the discussion and asked the Board to consider adopting the revised FSMB (Federation of State Medical Boards) Model Policy for the Use of Controlled Substances for the Treatment of Pain. The Board briefly discussed their previous decision to not adopt the guidelines. The Board, at a previous meeting, stated that they could not officially adopt the Model Guidelines from the FSMB on pain management as a guideline since the Board does not have the authority to adopt guidelines but recommended that a statement be published in the regulatory digest that if a practitioner followed the FSBM guidelines, the practitioner would be practicing within the standard of care of a licensed physician. The new policy will be returned to the June agenda for consideration. The Bureau Director abstained from discussion.

**CR 04-017 – CERTIFICATION AND REGULATION OF OTS AND OTAS – CONSIDER
FOR ADOPTION**

MOTION: Ronald Grossman moved, seconded by Mary Cook, in favor of adopting CR 04-017 (repealing chapter Med 19, relating to the certification and regulation of occupational therapists and occupational therapy assistants). Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

RECESS TO CLOSED SESSION

MOTION: Virginia Heinemann moved, seconded by Ronald Grossman, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Alfred Franger-yes; Ronald Grossman-yes; Jon Gudeman-yes; Jack Lockhart-yes; Lief Erickson -yes; Ian Munro-yes; Gene Musser-yes; Bhupinder Saini-yes; Mary Cook, JD-yes; and Virginia Heinemann-yes. Motion carried unanimously.

Open session recessed at 8:50 a.m.

PRESENTATION OF PROPOSED ORDER, OBJECTIONS AND RESPONSES TO OBJECTIONS OF COMPLAINANT AND RESPONDENT IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST SHIRLEY GODIWALLA, MD, CASE NO. LS 030202193 MED BY ATTORNEYS GIL LUBCKE AND PAUL GOSENS – CASE ADVISOR – DR. ERICKSON

DOE Attorney Gil Lubcke presented objections of the complainant in the matter of the disciplinary proceedings against Shirley Godiwalla, M.D., and Paul Gossens presented on behalf of the respondent. This was deliberated on in closed session.

DELIBERATION OF PROPOSED ORDER, OBJECTIONS AND RESPONSES TO OBJECTIONS OF COMPLAINANT AND RESPONDENT IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST SHIRLEY GODIWALLA, MD, CASE NO. LS 0302193 MED

MOTION: Ronald Grossman moved, seconded by Mary Cook, in favor of continuing deliberations of proposed order, objections and responses to objections of complainant and respondent in the matter of the disciplinary proceedings against Shirley Godiwalla, MD, Case No. LS 0302193, at the June meeting. Case Advisor Dr. Erickson left during deliberations and did not vote. Dr. Franger recused himself. Motion carried.

RECONSIDER APPLICATION OF CRAIG BAMMER, DO

MOTION: Ronald Grossman moved, seconded by Lief Erickson, in favor of granting a license to Craig Bammer, DO. Mary Cook opposed. Motion carried.

CONSIDERATION OF AGENDA AMENDMENT REQUEST RE; ADMINISTRATIVE WARNING, DECEMBER 17, 2003, PAGE 7

Tom Ryan asked the Board to consider the Administrative Warning entry in the December minutes for amendment to describe only the fact that a warning was issued. After a brief discussion the Board approved amending the motion.

MOTION: Ronald Grossman moved, seconded by Ian Munro, in favor of amending the Administrative Warning in the December minutes to describe only the fact that a warning was issued. Motion carried unanimously.

BOARD ORAL EXAMINATION – DAVID HANES, HOLLAND, OH

MOTION: Jon Gudeman moved, seconded by Mary Cook, to issue a limited license to David Hanes and have the Board legal counsel draft an order for approval at the June meeting. Motion carried unanimously.

BOARD ORAL EXAMINATION – THOMAS BABCOCK, OELWEIN, IA

MOTION: Ian Munro moved, seconded by Jack Lockhart, to issue a limited license to Thomas Babcock and have the Board legal counsel draft an order for approval at the June meeting. Motion carried unanimously.

**DELIBERATION OF COMPLAINT IN THE MATTER OF 03 MED 270 –
CASE ADVISOR – DR. MUNRO**

MOTION: Mary Cook moved, seconded by Jon Gudeman, in favor of a finding of probable cause that the licensee conduct in case 03 MED 270 is unprofessional, that a complaint be issued, and that a hearing be held. Case Advisor Ian Munro and Lief Erickson abstained. Motion carried.

**DELIBERATION OF COMPLAINT IN THE MATTER OF 03 MED 069 – CASE
ADVISOR – DR. MIOTA**

MOTION: Jack Lockhart moved, seconded by Gene Musser, in favor of a finding of probable cause that the licensee conduct in case 03 MED 069 is unprofessional, that a complaint be issued, and that a hearing be held. Motion carried unanimously.

**DELIBERATION OF ADMINISTRATIVE WARNING IN THE MATTER OF
03 MED 243**

MOTION: Bhupinder Saini moved, seconded by Mary Cook, in favor of adopting the Administrative Warning in the matter of 03 MED 243. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATION AND FINAL DECISION AND
ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST
GRIGORY SOROKIN, MD, OCONOMOWOC, WI**

MOTION: Mary Cook moved, seconded by Jack Lockhart, in favor of adopting the Stipulation, Final Decision and Order in the matter of Grigory Sorokin, MD. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF RICHARD CLASEN, MD, NEKOOSA, WI –
CASE ADVISOR – DR. ERICKSON**

MOTION: Ronald Grossman moved, seconded by Bhupinder Saini, in favor of adopting the Stipulation, Final Decision and Order in the matter of Richard Clasen, MD. Case Advisor Lief Erickson abstained and Mary Cook opposed. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF GHAZWAN KATMEH, MD, GREEN BAY, WI – CASE ADVISOR –
DR. GROSSMAN**

MOTION: Jack Lockhart moved, seconded by Mary Cook, in favor of adopting the Stipulation, Final Decision and Order in the matter of Ghazwan Katmeh, MD. Case Advisor Ronald Grossman, Ian Munro and Gene Musser abstained. Motion carried.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF MARGARET COCHRANE, MD, ST. PAUL, MN – CASE ADVISOR
– DR. ERICKSON**

MOTION: Bhupinder Saini moved, seconded by Lief Erickson, in favor of adopting the Stipulation, Final Decision and Order in the matter of Margaret Cochrane, MD. Case Advisor Virginia Heinemann abstained. Motion carried.

DELIBERATION OF VARIANCE DRAFT IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST EDWARD MILLER, MD, CASE NO. LS 0304231 MED – CASE ADVISOR – DR. GROSSMAN

MOTION: Gene Musser moved, seconded by Bhupinder Saini, in favor of adopting the variance decision in the matter of Edward Miller, MD. Case Advisor Ronald Grossman abstained. Motion carried.

DELIBERATION OF PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF DONALD A. MILLER, MD, RESPONDENT – ROWLAND HEIGHTS, CA

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, in favor of upholding the Administrative Law Judge's decision in the matter of Donald A. Miller, MD. Vote taken - all ayes. Motion carried unanimously.

DELIBERATION OF PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE OF MARK GILMAN, RCP, APPLICANT – MADISON, WI

MOTION: Virginia Heinemann moved, seconded by Bhupinder Saini, in favor of adopting the Stipulation, Final Decision and Order in the matter of Mark Gilman, RCP. Motion carried unanimously.

KENNETH SPARR, MD – ANNUAL APPEARANCE

MOTION: Jon Gudeman moved, seconded by Jack Lockhart, to request that Kenneth Sparr, MD, see Dr. Longo weekly and that Dr. Longo provide a review report of Dr. Sparr's drug history to the Board within six weeks from May 19, 2004. Motion carried unanimously.

LANCE YEOMAN, DO – ANNUAL APPEARANCE

No action was taken by the Board on this issue.

JOHN GREGORY HOFFMAN, MD – REQUESTING REINSTATEMENT OF HIS LIMITED LICENSE

MOTION: Bhupinder Saini moved, seconded by Ronald Grossman, in favor of granting a three month stay of suspension in the matter of John Gregory A. Hoffman, MD, reinstate a limited license, and restart his Order. Motion carried unanimously.

THEODORE GALVANI, MD – REQUESTING SIX MONTH STAY

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, in favor of releasing Theodore Galvani, MD, from the monitoring program and grant him a full license. Mary Cook opposed. Motion carried.

MARK BENSON, MD – REQUESTING THREE MONTH STAY

This issue is postponed until the June meeting.

JOHN FERRIS, MD – REQUESTING THREE MONTH STAY

MOTION: Gene Musser moved, seconded by Ronald Grossman, in favor of granting a two month stay of suspension in the matter of John Ferris, MD, request that his psychiatrist do a full psychiatric and neurological report on him and the Board will review the report by Dr. Andrew Schroettner, MD, at the July meeting. Motion carried unanimously.

CHRISTOPHER RASMUSSEN, MD – REQUESTING THREE MONTH STAY

MOTION: Ronald Grossman moved, seconded by Bhupinder Saini, in favor of granting a three month stay of suspension in the matter of Christopher Rasmussen, MD. Motion carried unanimously.

RAYMOND KOZIOL, MD – REQUESTING THREE MONTH STAY AND MODIFICATIONS

MOTION: Virginia Heinemann moved, seconded by Mary Cook, in favor of granting a three month stay of suspension in the matter of Raymond Koziol, MD, decrease his therapy to twice a month with Carol Baxter, RADC I, and deny his request for a decrease in his urine analysis to once a month. Motion carried unanimously.

DAVID A. ONSRUD, DO – PROPOSED STIPULATION

MOTION: Gene Musser moved, seconded by Ronald Grossman, to adopt the Stipulation, Final Decision and Order in the matter of David A. Onsrud, DO. Jack Lockhart abstained. Motion carried.

EDGAR K. OLIVEIRA FILHO, MD – PROPOSED STIPULATION

MOTION: Ronald Grossman moved, seconded by Jack Lockhart, to adopt the Stipulation, Final Decision and Order in the matter of Edgar K. Oliveira Filho, MD. Virginia Heinemann abstained. Motion carried.

MARIE CASEY, MD – PETITION TO WAIVE THE SEVEN YEAR RULE

MOTION: Virginia Heinemann moved, seconded by Gene Musser, to deny the petition to waive the seven year rule in the matter of Marie Casey, M.D. Mary Cook opposed. Motion carried.

CASE CLOSINGS

MOTION: Ronald Grossman moved, seconded by Ian Munro, to close complaint 04 MED 010 for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Jon Gudeman, to close complaint 03 MED 442 for PD7. Motion carried unanimously.

MOTION: Jon Gudeman moved, seconded by Lief Erickson, to close complaint 03 MED 510 for no violation. Motion carried unanimously.

MOTION: Ian Munro moved, seconded by Virginia Heinemann, to close complaint 03 MED 083 for insufficient evidence. Motion carried unanimously.

MOTION: Gene Musser moved, seconded by Ian Munro, to close complaint 04 MED 095 for no violation. Motion carried unanimously.

MOTION: Jon Gudeman moved, seconded by Jack Lockhart, to close complaint 03 MED 324 for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Bhupinder Saini moved, seconded by Ian Munro, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Gene Musser moved, seconded by Virginia Heinemann, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:13 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Jon Gudeman moved, seconded by Bhupinder Saini, in favor of accepting all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Virginia Heinemann moved, seconded by Ian Munro, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:15 p.m.